

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

DONALD C. HUTCHINS

Plaintiff

v.

CARDIAC SCIENCE, INC., et al.,

Defendants

Civil Action: **04-30126-MAP**

**PLAINTIFF'S MOTION TO COMPEL THE COMPLIENT COPORPORATION
TO PROVIDE ADEQUATE PROVISION FOR DAMAGES UNDER
MASSACHUSETTS AND DELAWARE CORPORATE LAW.**

COMES NOW Plaintiff Donald C. Hutchins to inform the Court that the Compliant Corporation was dissolved over 3 years ago as a Delaware corporation. Pursuant to Massachusetts General Laws – Chapter 156d, Section 6.40 and Delaware Corporate Law, Title 8, Chapter 1, Subchapter X, corporate continuation is limited to a period of three years after dissolution.

M.G.L –Chapter 156D, Section 6.40h(1) limits distribution to shareholders without adequate provision for potential liabilities such as litigation damage claims. Compliant has violated Section 6.40h(1) by making distributions to stockholders in lieu of withholding sufficient funds to meet the potential obligation for damages specified in the Complaint. Compliant has also continued the business of CPR L.L.P. its 99% owned subsidiary in violation of § 278 of Delaware Subchapter X.

The Plaintiff asks this Court to require a bond from Compliant in an amount that meets the provisions of § 278. Absent this bond, Hutchins will be unable to collect damages and responsibility will fall on Steven Lindseth as surviving stockholder.

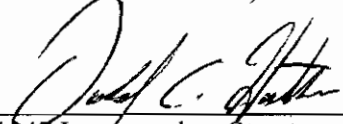
The Plaintiff also asks this Court to order the abatement of the continuing business of Compliant's 99% owned subsidiary, CPR L.L.P that is subject to M.G.L. Chapter 156B: Section 102. Compliant has alleged that CPR L.L.P. continues to be in the ongoing business of holding Hutchins' CPR Prompt intellectual properties as a result of the Asset Purchase Agreement with Cardiac Science, Inc. Should Compliant's representation of CPR L.L.P. be false, CPR L.L.P. is revealed as a sham created to swindle Hutchins' intellectual properties.

Respectfully submitted,

The Plaintiff

Donald C. Hutchins, Pro Se

Dated: 9/26/06



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CERTIFICATE OF SERVICE

I, Donald C. Hutchins, 1047 Longmeadow, Massachusetts 01106, hereby certify that I served a copy of the foregoing on the appropriate parties by sending a copy by United States mail to: Randall T. Skaar, Esq. Patterson, Thunte, Skaar & Christensen, P.A., 4800 IDS Center, 80 South 8th St. Minneapolis, Minnesota; 55402, Paul H. Rothschild, Esq. Bacon & Wilson, P.C., 33 State St., Springfield, MA 01103; John J. Egan Esq., Egan, Flanagan and Cohen, P.C., 67 Market St., Springfield, MA 01102-9035, Jeffrey J. Lauderdale, Esq., Calfee, Halter & Griswold LLP, 800 Superior Ave., Cleveland, Ohio 44114-2688.

Dated: 9/26/06



Donald C. Hutchins